

ORIGINAL

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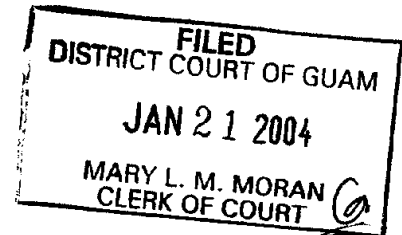
Tel No. 671.472.6813

Attorneys for Defendant

Continental Micronesia, Inc. dba

Continental Micronesia and

Continental Airlines, Inc.



IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba  
CONTINENTAL MICRONESIA and  
CONTINENTAL AIRLINES, INC.,

Defendant.

CIVIL CASE NO. CV02-00032

**AGREEMENT OF HEARING DATE;  
DECLARATION OF ELYZE  
MCDONALD**

Pursuant to Local Rule 7.1, Defendant Continental Micronesia, Inc. hereby  
acknowledges the following:

1. I, David Ledger, am the attorney for Continental in this matter. My  
associate Elyze McDonald contacted pro se Plaintiff Tony H. Ashtiani on January 16, 2004, to  
agree upon a date for oral argument on Continental's Motion to Strike the December 19, 2003  
Affidavit of Tony H. Ashtiani and Attached Exhibits 1-55, which Motion Continental filed on

December 24, 2003, and Continental's Motion to Strike the January 9, 2004 Declaration of Tony Ashtiani and Exhibit 56, which Motion Continental filed on January 16, 2004. See Decl. of Elyze McDonald (attached hereto).

2. Mr. Ashtiani initially agreed to a hearing date of February 13, 2004, and then hours later, retracted that agreement by calling my secretary June Cruz. Mr. Ashtiani asked Ms. Cruz that he be contacted on January 21, 2004, to reschedule an agreed hearing date. See Decl. of Elyze McDonald.

3. Mr. Ashtiani did not answer any calls made to his cellular phone number from Ms. McDonald on January 20 and 21, 2004, and has not contacted our office to discuss a rescheduled hearing date. See Decl. of Elyze McDonald.

4. Elyze McDonald called the Court to confirm whether the Court was available to hear Continental's Motions to Strike on February 13, 2004. Court Clerk Leilani Hernandez stated that the Court is available on that date at 10:00 a.m. See Decl. of Elyze McDonald.

Dated this 21 day of January 2004.

CARLSMITH BALL LLP



DAVID LEDGER  
Attorneys for Defendant  
Continental Micronesia, Inc. dba  
Continental Micronesia and  
Continental Airlines, Inc.

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**DECLARATION OF ELYZE  
McDONALD**

I, Elyze McDonald, declare under risk and penalty of perjury the following:

1. I am an attorney at law licensed to practice before the Courts of the Territory of Guam and before this Court. I am an associate with the law firm of Carlsmith Ball LLP, attorneys of record for Defendant Continental Micronesia, Inc.
2. If called as a witness, I would and could competently testify thereto to all facts within my personal knowledge except where stated upon information and belief.

3. I contacted pro se Plaintiff Tony H. Ashtiani on January 16, 2004, to agree upon a date for oral argument on Continental's Motion to Strike the December 19, 2003 Affidavit of Tony H. Ashtiani and Attached Exhibits 1-55, which Motion Continental filed on December 24, 2003, and Continental's Motion to Strike the January 9, 2004 Declaration of Tony Ashtiani and Exhibit 56, which Motion Continental filed on January 16, 2004.

4. Mr. Ashtiani initially agreed to a hearing date of February 13, 2004, and then hours later, retracted that agreement by calling my secretary June Cruz. Mr. Ashtiani asked Ms. Cruz that he be contacted on January 21, 2004, to reschedule an agreed hearing date.

5. Mr. Ashtiani did not answer any of my calls made to his cellular phone number on January 20 and 21, 2004, and has not contacted our office to discuss a rescheduled hearing date.

6. On January 21, 2004, I called the Court to confirm whether the Court was available to hear Continental's Motions to Strike on February 13, 2004. Court Clerk Leilani Hernandez stated that the Court is available on that date at 10:00 a.m.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed this 20th day of January 2004, at Honolulu, Hawaii.

  
ELYZE MCDONALD